

FIRST REGULAR SESSION

HOUSE BILL NO. 970

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WIELAND (Sponsor) AND BERRY (Co-sponsor).

2035H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 303.025, 303.042, 303.280, and 303.370, RSMo, and to enact in lieu thereof four new sections relating to motor vehicle insurance, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 303.025, 303.042, 303.280, and 303.370, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 303.025, 303.042, 303.280,
3 and 303.370, to read as follows:

303.025. 1. No owner of a motor vehicle registered in this state, or required to be
2 registered in this state, shall operate, register or maintain registration of a motor vehicle, or
3 permit another person to operate such vehicle, unless the owner maintains the financial
4 responsibility which conforms to the requirements of the laws of this state. No nonresident shall
5 operate or permit another person to operate in this state a motor vehicle registered to such
6 nonresident unless the nonresident maintains the financial responsibility which conforms to the
7 requirements of the laws of the nonresident's state of residence. Furthermore, no person shall
8 operate a motor vehicle owned by another with the knowledge that the owner has not maintained
9 financial responsibility unless such person has financial responsibility which covers the person's
10 operation of the other's vehicle; however, no owner or nonresident shall be in violation of this
11 subsection if he or she fails to maintain financial responsibility on a motor vehicle which is
12 inoperable or being stored and not in operation. The director may prescribe rules and regulations
13 for the implementation of this section.

14 2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner
15 provided for in section 303.160, or with a motor vehicle liability policy which conforms to the
16 requirements of the laws of this state. A nonresident motor vehicle owner shall maintain the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 owner's financial responsibility which conforms to the requirements of the laws of the
18 nonresident's state of residence.

19 3. Any person who violates this section is guilty of a misdemeanor. A first violation of
20 this section shall be punishable by a fine [not to exceed] **of no less than** three hundred dollars.
21 A second [or subsequent] violation of this section shall be punishable by **a fine of no less than**
22 **six hundred dollars. A third or subsequent violation of this section shall be punishable by**
23 imprisonment in the county jail for a term not to exceed fifteen days and/or a fine not to exceed
24 [three hundred] **one thousand** dollars. Prior pleas of guilty and prior findings of guilty shall be
25 pleaded and proven in the same manner as required by section 558.021. However, no person
26 shall be found guilty of violating this section if the operator demonstrates to the court that he or
27 she met the financial responsibility requirements of this section at the time the peace officer,
28 commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation. In
29 addition to any other authorized punishment, the court shall notify the director of revenue of any
30 person convicted pursuant to this section and shall do one of the following:

31 (1) Enter an order suspending the driving privilege as of the date of the court order. If
32 the court orders the suspension of the driving privilege, the court shall require the defendant to
33 surrender to it any driver's license then held by such person. The length of the suspension shall
34 be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of
35 revenue the order of suspension of driving privilege and any license surrendered within ten days;

36 (2) Forward the record of the conviction for an assessment of four points;

37 (3) In lieu of an assessment of points, render an order of supervision as provided in
38 section 302.303. An order of supervision shall not be used in lieu of points more than one time
39 in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this
40 section shall forward a record of conviction to the Missouri state highway patrol, or at the written
41 direction of the Missouri state highway patrol, to the department of revenue, in a manner
42 approved by the director of the department of public safety. The director shall establish
43 procedures for the record keeping and administration of this section; or

44 (4) For a nonresident, suspend the nonresident's driving privileges in this state in
45 accordance with section 303.030 and notify the official in charge of the issuance of licenses and
46 registration certificates in the state in which such nonresident resides in accordance with section
47 303.080.

48 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330
49 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions
50 and professional registration from approving or authorizing those exclusions and limitations
51 which are contained in automobile liability insurance policies and the uninsured motorist
52 provisions of automobile liability insurance policies.

53 5. If a court enters an order of suspension, the offender may appeal such order directly
54 pursuant to chapter 512 and the provisions of section 302.311 shall not apply.

 303.042. 1. The suspension shall become effective thirty days after the subject person
2 is deemed to have received the notice of suspension by ordinary mail as provided in section
3 303.041.

4 2. The period of suspension under this section shall be as follows:

5 (1) If the person's record shows no prior violation, the director shall terminate the
6 suspension upon payment of a reinstatement fee of **one hundred** twenty dollars and submission
7 of proof of insurance as prescribed in section 303.026 or some other form of proof of insurance
8 as prescribed by the director;

9 (2) If the person's record shows one prior violation within the immediately preceding
10 **[two] three** years, the director shall terminate the suspension ninety days after its effective date
11 upon payment of a reinstatement fee of **[two] three** hundred dollars and submission of proof of
12 insurance as prescribed in section 303.026 or some other form of proof of insurance as prescribed
13 by the director;

14 (3) If the person's record shows two or more prior violations, the period of suspension
15 shall terminate one year after its effective date upon payment of a reinstatement fee of **[four] five**
16 hundred dollars and submission of proof of insurance as prescribed in section 303.026 or some
17 other form of proof of insurance as prescribed by the director.

18 3. In the event that proof of insurance required by this section has not been filed with the
19 department of revenue in accordance with this chapter prior to the end of the period of
20 suspension provided in this section, such period of suspension shall be extended until such proof
21 of insurance as prescribed by the director has been filed. In no event shall filing proof of
22 insurance as prescribed by the director reduce any period of suspension.

23 4. If the director determines that the proof of insurance submitted by a motor vehicle
24 owner or operator pursuant to this chapter is false, the director shall suspend the owner's vehicle
25 registration and operator's driving privilege. The director shall terminate the suspension one year
26 after the effective date upon payment by the owner or operator of a reinstatement fee of **[one]**
27 **five** hundred **[fifty]** dollars and submission of proof of insurance as prescribed in section 303.026
28 or some other form of proof of insurance as prescribed by the director.

29 5. In all cases involving a suspension as provided in this section, the director shall not
30 require an individual to file a certificate of insurance as provided in section 303.170 or section
31 303.180 or some other form of high-risk insurance in order to terminate the suspension,
32 excluding cases involving a motor vehicle accident where one or more parties involved in the
33 accident were uninsured.

303.280. 1. The director shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the director shall direct and the state treasurer shall return to the person entitled thereto, any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the director shall waive the requirement of filing proof, in any of the following events:

(1) At any time after two years from the date such proof was required when, during the two-year period preceding the request, the director has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or nonresident's operating privilege of the person by or for whom such proof was furnished; or

(2) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

(3) In the event the person who has given proof surrenders his license and registration to the director.

2. The director shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the director.

3. Whenever any person whose proof has been cancelled or returned under subdivision (3) of subsection 1 of this section applies for a license or registration within a period of two years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for [the remainder of such] **an uninterrupted two-year period from the date of such application. Any lapse in the two-year period shall require a new uninterrupted two-year period beginning with the date such proof is reestablished after the lapse.**

303.370. 1. Failure to report an accident as required in section 303.040 shall be punished by a fine not in excess of five hundred dollars, and in the event of injury or damage to the person or property of another in such accident, the director shall suspend the license of the person failing to make such report, or the nonresident's operating privilege of such person, until such report has

5 been filed or for no more than one year, provided all other requirements for reinstatement have
6 been met and for such further period not to exceed thirty days as the director may fix.

7 2. Any person who gives information required in report or otherwise as provided for in
8 section 303.040 knowing or having reason to believe that it is forged or signed without authority,
9 shall be fined not more than one thousand dollars or imprisoned for not more than one year, or
10 both.

11 3. Any person whose license or registration or nonresident's operating privilege has been
12 suspended or revoked under this chapter and who, during such suspension or revocation drives
13 any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such
14 person to be operated by another upon any highway, except as permitted under this chapter, shall
15 be fined not more than five hundred dollars or imprisoned not exceeding six months, or both.

16 4. Any person willfully failing to return his license or registration as required in section
17 303.330 shall be fined [not more] **no less** than five hundred dollars, [or] imprisoned [not to
18 exceed thirty] **no less than fifteen** days, or both.

19 5. Any person who shall violate any provision of this chapter for which no penalty is
20 otherwise provided shall be fined [not more] **no less** than five hundred dollars, [or] imprisoned
21 not more than ninety days, or both.

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